

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JAMES K. RICE,)	
)	
Plaintiff,)	Jury Demand
v.)	
)	No. 3:15-CV-0398
)	
AUTUMN ASSISTED LIVING)	Judge Campbell
PARTNERS, INC.,)	
)	Magistrate Judge Knowles
Defendant.)	

**PLAINTIFF’S MOTION *IN LIMINE* NO. 1 TO EXCLUDE EVIDENCE OF DISABILITY
APPLICATIONS OR INCOME FROM COLLATERAL SOURCE**

Pursuant to Rules 401, 402, and 403 of the Federal Rules of Evidence, Plaintiff James Rice, moves the Court to exclude evidence or testimony regarding:

- (1) Plaintiff’s application for disability benefits from the Metropolitan Government through Prudential Insurance Company,
- (2) Plaintiff’s receipt of disability benefits through the policy issued by Prudential, and/or
- (3) Plaintiff’s application for Social Security benefits.

Plaintiff Rice contends any testimony or evidence regarding any of the above facts does not have “any tendency to make a fact more or less probable than it would be without the evidence” and none of the testimony “is of consequence in determining the [Title I] action.” The testimony is irrelevant therefore, inadmissible under Fed. R. Evid. 402.

If the Court should find, however, that the evidence is somehow relevant to the allegations in this case, the Court should exclude it from this trial because the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, waste of time or misleading the jury pursuant to Fed. R. Evid. 403.

Accordingly, Plaintiff respectfully requests the Court grant this Motion *in Limine* and exclude any evidence relating to the decision of the Metropolitan Government through the policy of disability insurance issued by Prudential to award disability benefits, and/or any application for Social Security disability benefits made by Plaintiff after July 1, 2014.

Plaintiff Rice submits a memorandum in support of this Motion *in Limine*.

THE LAW OFFICE OF DAVID L. COOPER, P.C.

s/ David L. Cooper
DAVID L. COOPER, BPR #11445

208 Third Avenue North, Suite 300
Nashville, TN 37201
Phone: (615) 256-1008
Email: dcooper@cooperlawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing **Plaintiff's Motion in Limine** has been delivered by electronic transmission through the CM/ECF system to **James K. Simms, IV, Esq., and Jennifer M. Lankford, Esq., Thompson Burton PLLC**, One Franklin Park, 6100 Tower Circle, Suite 200, Franklin, TN 37067, on this 30th day of September, 2016.

s/ David L. Cooper
DAVID L. COOPER